

what he thinks about these issues. And I hope we throw in CTBT here, because I think to me that is one of the . . . that is the single most important thing we could do at the front end. But . . . Vin is looking at his watch, understandably, I happen to agree with you. With regard to priorities, Dick Lugar and I are going to be introducing this week after call for a commission that is, I know we got a lot of commissions, but a commission made up, appointed by the President, the House and the Senate, made up of the leading people in America that we could find with the greatest stature, to come forward with us with a threat assessment, a threat assessment that in fact reflects, for purposes of deciding what priorities we should be focusing on. And so I can talk to you more about that later, but my time is . . . (Overlap)

VW: I don't know if we have time for one or two more, but one there, and if there's time for two, it's over there. Les is telling me only one, I'm sorry to say, (inaudible).

M: (inaudible) Talbot(?). Senator, thank you for this broad guarded approach to the problems we face. My question is this, do you foresee the need or the expectation of a Congressional declaration of war, which the Constitution calls for, and if so, against whom? (Scattered Laughter)

JB: The answer is yes, and we did it. I happen to be a professor of Constitutional law. I'm the guy that drafted the Use of Force proposal that we passed. It was in conflict between the President and the House. I was the guy who finally drafted what we did pass. Under the Constitution, there is simply no distinction . . . Louis Fisher(?) and others can tell you, there is no distinction between a formal declaration of war, and an authorization of use of force. There is none for Constitutional purposes. None whatsoever. And we defined in that Use of Force Act that we passed, what . . . against whom we were moving, and what authority was granted to the President.

And why don't you take that question, it's not two o'clock, I'll give a yes or no. He may be from Delaware. (Laughter)

RP: Roland Paul, Senator, I concur with everybody else in commending you on your comments, and anyone who's heard you before would certainly not be surprised at how good they were. I would return to a question you answered earlier, and you said as long . . . the bombing, every day it goes on, the harder it may be for us to do something in the past(?). What do you see as the situation if we don't defeat the Taliban in the next four weeks, and winter sets in in Afghanistan?

JB: Again, I'm not a military man. I think the American public and the Islamic world is fully prepared for us to take as long as we need to take, if it is action that is *mano-a-mano*. If it's us on the ground going against other forces on the ground. The part that I think flies in the face of and plays into every stereotypical criticism of us is we're this high tech bully that thinks from the air we can do whatever we want to do, and it builds the case for those who want to make the cause against us that all we're doing is indiscriminately bombing innocents, which is not the truth. Some innocents are (indiscriminately) bombed, but that is not the truth. I think the American public is prepared for a long siege. I think the American public is prepared for American losses. I think the American public is prepared, and the President must continue to remind them to be prepared, for American body bags coming home.

There is no way that you can in fact go after and root out al-Qaeda and/or Bin Laden without folks on the ground, in caves, risking and losing their lives. And I believe that

the tolerance for that in the Islamic world is significant . . . exponentially higher than it is for us bombing. That's a generic point I wish to make. I am not qualified enough to tell you, although I can tell you what the military guys have said to me, this is not 1948. This is 2001, I'm not at all they're correct, and our ability to wage conflict in the winter, in parts of this region, is within our control, I don't know enough to vouch for that or not, but I do think it clearly makes it more difficult, and the weather window is closing, as opposed to the tolerance window for a behavior, in my view. Thank you all very, very much. (Applause)

Mr. BIDEN. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The majority leader.

Mr. DASCHLE. I thank the Senator from Delaware for his clarification, although there was none required on my part.

Mr. BIDEN. I knew it would not be required on the Senator's part.

Mr. DASCHLE. I have the greatest admiration for the extraordinary experience and leadership provided by the Senator from Delaware. I am not surprised he was misquoted, and I think he is wise. He speaks from experience in coming to the floor to ensure if there is any misunderstanding it has now been clarified.

He did it in a way I would expect. He has come to the Chamber with a complete explanation. I have read some of the remarks because after being asked the question, I was informed of the Senator's comments. I applaud him for the way in which he handled the questions and applaud him as well for his speech. I appreciate his willingness to come to the Chamber, and I thank him for the extraordinary job he does every day as chairman of our Foreign Relations Committee.

Mr. BIDEN. Very briefly in response, I thank the Senator. I know the public listening to this would say they expect two guys who are friends and in the same party to say the same thing, but the truth is we are all going to be tested over the next several months. The President of the United States, who we all think is doing a very fine job, is going to have to make some very tough decisions.

I, for one, and I know my two leaders and the Senator from Oregon as well are not into Monday morning quarterbacking. Some of the decisions we are going to make are going to turn out to be brilliant. Some we are going to make are not going to be so good.

I would say this: This President, in my view, so far has made the right choices. He has done the right thing. He is pursuing the right way. This notion of how long we bomb versus how long before we put forces on the ground is an incredibly difficult decision. You can be assured every single mistake we accidentally make—and by the way, to our credit the Defense Department acknowledged today, like no other Defense Department would, I think, that, yes, there was an errant bomb, and it did take out some innocent people.

What other great nation would acknowledge that?

That is going to happen. It is horrible that it will, but the President has a series of very tough choices. I want him to know that not only I, but we all wish him well, and as long as he is trying, as he is, to keep this coalition together, to keep it moving, I am willing to yield to his judgment in the prosecution of this war.

So I thank my friend for his kind comments, and I hope this puts it to rest. I am sure the gentleman on the House side who made the comments was probably told by staff, and I think it was kind of like a drive-by shooting because I have never had a cross word with this particular House Member, but I understand things got pretty hot in the House today. I think I was the first Democrat who came across his radar, and I think this would be called a political drive-by shooting—accidental, I hope—and it will get straightened out.

I am not criticizing or making light of what was said. I want the RECORD to be straight because it is important the world knows and the Nation knows we are behind the President and we are not at this point second-guessing his judgment, particularly about bombing.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GENERAL CHARLES T. ROBERTSON, JR.

Mr. LOTT. Madam President, I wish to take this opportunity to recognize and say farewell to an outstanding Air Force officer, General Charles T. "Tony" Robertson, Jr., upon his retirement from the Air Force after more than 33 years of commissioned service. Over the years, many Members and staff have enjoyed the opportunity to meet with General Robertson on a variety of joint military issues and have come to appreciate his many talents. Indeed, throughout his career, General Robertson has served with distinction, and it is my privilege today to recognize his many accomplishments and to commend him for the superb service he has provided the Air Force and our Nation.

General Robertson entered the Air Force in 1968 as a graduate of the U.S. Air Force Academy. After successfully completing pilot training, he served his Nation by flying 150 combat missions as a gunship pilot in Southeast Asia while stationed with the 18th Special Operations Squadron in South Vietnam. Lieutenant Robertson was then assigned to Wright-Patterson Air Force Base, Ohio, where he became a B-52 copilot, aircraft commander, instructor